



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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APR - 1 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-184

Certified Mail – Return Receipt Requested

Ms. Michelle Bonnet Hale
Director
Division of Water
Alaska Department of Environmental Conservation
410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, Alaska 99811-1800

Dear Ms. *Michelle* Hale:

The purpose of this letter is to transmit the water portion of the draft report of the U.S. Environmental Protection Agency's (EPA's) review of the Alaska Department of Environmental Conservation's (DEC's) air and water compliance and enforcement programs under the State Review Framework (SRF). The air portion of the draft report was previously sent to Alice Edwards.

The SRF is a tool to evaluate performance in the Clean Air Act (CAA) Stationary Source, Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES), and Resource Conservation and Recovery Act (RCRA) Subtitle C compliance and enforcement programs. The SRF was developed to promote consistent levels of activity in state and regional enforcement programs, consistent oversight of state and regional enforcement programs, and consistent levels of environmental protection across the country.

As we have discussed on several occasions, several key improvements are needed for the compliance and enforcement portions of the Alaska Pollutant Discharge Elimination System (APDES) program. The draft SRF report documents priority areas for improvement such as better inspection coverage; timely and appropriate enforcement, including formal enforcement and penalties; and development and implementation of a number of procedures that are fundamental to an effective and efficient program. The draft report also includes corrective action items to address these areas for improvement.

Per EPA's SRF Guidance, you and your staff will have a 45-day review period to comment on draft findings and the overall draft report. For written comments, you will see in this draft report that each finding has a section reserved for State Response. Feel free to provide comments either in the specified State Response fields or in a letter or email form. Written comments from the State are included in the final report. As you are developing your written comments, you may find it helpful to talk with us about any questions you have on the draft report. If so, we would be happy to schedule a call.

Specific dates or deadlines have been included for several of the corrective action items in the report. These proposed dates reflect the urgency and importance of DEC taking immediate steps to address some of the key performance issues highlighted in the draft SRF report. We request DEC's cooperation

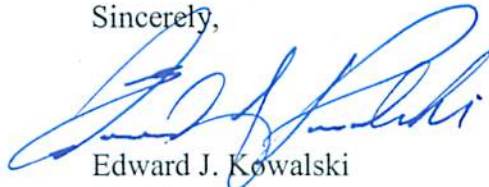
in initiating key corrective actions as expeditiously as possible, even as you are reviewing and commenting on the draft report. Delays in initiating corrective actions should be avoided as they will only compound existing performance issues. In addition, we will be contacting DEC in the next few weeks to discuss appropriate timelines for the measures listed in Appendix A.

The final report on DEC's programs will be posted on a publicly available website. Recommendations and follow-up actions will be tracked in the national database called the SRF Tracker.

I look forward to discussing ways the EPA can further support DEC in capacity building and developing a robust compliance and enforcement program for water quality in Alaska. Evaluating State performance and making this information readily available to the public are key priorities for the EPA.

I greatly appreciate the cooperation of your staff who assisted in this SRF review. Their assistance was invaluable. Please feel free to call me if you wish to discuss this review and report. For specific questions about the process and findings of this draft report on DEC's APDES program, Jeff Kenknight and Rick Cool will be able to provide the details. Jeff is the manager of our NPDES Compliance Unit and can be reached at 206-553-6641 or kenknight.jeff@epa.gov. Rick, the lead staff person conducting this review, can be reached at 206-553-6223 or cool.richard@epa.gov.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc by email: Sharon Morgan
Alaska Department of Environmental Conservation